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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,259	09/22/2006	Xiaopin Duan	HW 0310806US	1294
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Slater & Matsil, L.L.P. 17950 Preston Road, Suite 1000 Dallas, TX 75252				
EXAMINER MITCHELL, NATHAN A				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 09/15/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@slater-matsil.com

### Office Action Summary

**Application No.**

10/563,259

**Applicant(s)**

DUAN ET AL.

**Examiner**

NATHAN MITCHELL

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant notes that Loushine has an earliest filing date of February 26, 2004, while the present application claims priority to CN 03146220.0 filed on July 4, 2003. That is, the present application has an effective filing date prior to that of Loushine. Therefore, Loushine is an improper reference under 35 U.S.C. § 103(a). Since all the claim rejections relied on Loushine, it is respectfully submitted that all of the claims are allowable.

Applicant's argument (above) is in the ballpark but technically incorrect. The filing date of the foreign priority document is not the effective filing date, although the filing date of the foreign priority document may be used to overcome certain references. See MPEP § 706.02(b) and § 2136.05. In this case the Loushine reference can be overcome, but only with a certified translation of the foreign priority document (see 37 CFR § 1.55)

### ***Drawings***

1. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 13 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art.

Regarding claim 13, AAPA discloses:

a first unit, capable of receiving a location information request (paragraph 12 R-GMLC receives request), the location information request containing a processing indication, wherein type of the processing indication is used for indicating synchronous processing or asynchronous processing (paragraph 12 processing indication is contained that is either synchronous or asynchronous);

a second unit, capable of performing synchronous processing or asynchronous processing according to type of the processing indication contained in the location information request (paragraph 12 R-GMLC performs synchronous process), and implementing corresponding processing in response to the location information request (paragraph 12 R-GMLC forwards LCS service request to H-GMLC).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6-10, 13 and 14 are rejected over 2004/0253964 A1 to Zhu in view of Applicant's Admitted Prior art (AAPA)

Regarding claim 1, Zhu discloses

A second GMLC receiving a location information request sent from a first GMLC (fig. 1B step 4)

After receiving the location information request, the second GMLC implementing corresponding processing for the location information request (fig. 1B steps 5-8, 12,13)

Zhu fails to disclose the request containing a synchronous/asynchronous process indication, wherein subsequent processing is performed in accordance with the indication.

However AAPA discloses a request containing a synchronous/asynchronous process indication (301/401), wherein subsequent processing is performed in accordance with the indication (302/402-403). It would have been obvious to one of ordinary skill in the art at the time of invention to combine this teaching with that of Zhu by controlling how processing is done. The motivation for the combination is to receive location information only as needed.

Claim 4 is rejected for the same reason as claim 1. The processing is based on the type of indication.

Regarding claim 6/7, Zhu further discloses the GMLCs as claimed (see figure 1B)

Claim 8 is rejected for the same reason as claim 1.

Claims 9 and 10 are rejected for the same reasons as claims 6/7.

Claim 13 is rejected based on the same reason as claim 1.

Claim 14 is rejected for the same reason as claims 6/7.

3. Claims 1,2,4,6,7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewert et al. (Ewert), US 7054,620, previously used in view of Loushine, US 2005/0232189, recently discovered.

Regarding claims 1,8 and 13, Ewert discloses a method (and a system for processing location service and a Gateway Mobile location center) for processing a location information request in a location service, comprising: A. a location information request initiator sending a location information request containing a processing indication to a location information request receiver; and B. after receiving the location information request, the location information request receiver determining whether to perform [synchronous processing or] asynchronous processing for the location information request according to type of the processing indication, and then implementing corresponding processing for the location information request (reads on monitoring for trigger location change event and determining the location of the user and providing deferred location information) (see col. 2, lines 29-39).

Ewert fails to explicitly disclose a second Gateway. However in a similar field of endeavor, Loushine discloses a second Gateway (see Figs. 4,5 and pages 5-6 [0052-0053,0054-0056 and 0059]).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify Ewert to include a second gateway mobile location center for determining location of a mobile based on integrated networks.

Regarding claim 2, Ewert and Loushine discloses the method according to claim 1, wherein, under the condition that the location information request receiver, in step B, determines to perform synchronous processing for the location information request according to type of the processing indication, the step of implementing corresponding processing for the location information request in step B comprises: after a LCS system locates the target UE, the location information request receiver sending a location information response containing locating result of the target UE to the location information request initiator (see Loushine, Figs. 4,5 and pages 5-6 [0052-0053,0054-0056 and 0059]).

Regarding claims 4 and 11 and 13, Ewert and Loushine discloses the method according to claim 1, wherein the type of the processing indication is determined according to type of a processing indication contained in a location information request received by the location information request initiator, or according to a parameter of quality of service contained in a location information request received by the location information request initiator, or according to address type of the location information

request receiver, or according to any combinations of the above manners(see Loushine, Figs. 4,5 and pages 5-6 [0052-0053,0054-0056 and 0059]).

Regarding claims 6 and 10, Ewert and Loushine discloses the method according to claim 1, wherein the location information request initiator is an R-GMLC, while the location information request receiver is an H-GMLC (see Loushine, Figs. 4,5 and pages 5-6 [0052-0053,0054-0056 and 0059]).

Regarding claims 7 and 9 and 12 and 14, Ewert and Loushine discloses the method according to claim 1, wherein the location information request initiator is an H-GMLC, while the location information request receiver is a V-GMLC (see Loushine, Figs. 4,5 and pages 5-6 [0052-0053,0054-0056 and 0059]).

#### ***Allowable Subject Matter***

4. Claims 15 and 16 are allowed.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN MITCHELL whose telephone number is (571)270-3117. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nathan Mitchell/

Examiner, Art Unit 2617

/LESTER KINCAID/

Supervisory Patent Examiner, Art Unit 2617